IN RE: PETITION FOR ZONING VARIANCE SW/S Fitch Avenue, 54' NW of the c/l of Rossville Boulevard \* DEPUTY ZONING COMMISSIONER (7850 Rossville Boulevard) 14th Election District \* OF BALTIMORE COUNTY 6th Councilmanic District \* Case No. 93-90-A Abrams Development Group Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \* \*

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the legal owner of the subject property, Abrams Development Group, by and through its attorney, Cynthia A. Berman, Esquire. The Petitioner requests relief from Section 413.6.D of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two (2) freestanding signs of 148 sq.ft. per face, with a height of 21 feet each in lieu of the permitted sign of 50 sq.ft. per face, with a maximum height of 12 feet, all as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were James Abrams, President of Abrams Development Group, who was represented by Cynthia A. Berman, Esquire, and Matthew Gable, owner of Gable Sign and Graphics, Inc., and Chris Cerbeck, a tenant who leases space on the subject site from Abrams Development Group. There were no Protestants.

Testimony indicated that the subject property, known as 7850 Rossville Boulevard, consists of a gross area of 2.464 acres, more or less, zoned M.L.R.-I.M. and M.L.-I.M. and is the site of a two-story multi-tenant commercial building known as the Rossville Center. Said property is located at the corner of Fitch Avenue and Rossville Boulevard. The Petitioner is desirous of erecting two pylon signs, one at each vehicular entrance to the site, to identify tenants of the subject building

Testimony indicated that the requested signage is necessary due to the topography of the land at this location. Chris Cerbeck, one of the Petitioner's temants, testified that he has received complaints from customers that his business is hard to find. In his opinion, business is not what it should be due to the lack of signage. Further testimony indicated that the relief requested is necessary to provide adequate notice of the various businesses at this location to the motoring public.

It is to be noted that on the Petition filed, the Petitioner designated the use of the subject property as an industrial or office park. The Office of Planning and Zoning submitted comments dated October 20, 1992 in which they identify this site as a multi-tenant commercial building and not an industrial or office park. The comments submitted by the Office of Planning and Zoning also state that the Petitioner's request is inconsistent with the spirit and intent of the B.C.Z.R. in that freestanding business signs are traditionally small and serve to identify a building or user of a single-occupant building, not tenants of a multi-tenant building. I agree with their comments and find that the Petitioner's request for business signs is inappropriate. Furthermore, the site plan submitted herein and identified as Petitioner's Exhibit 1 contains a plainly written note thereon that any signs shall comply with Section 413 of the B.C.Z.R. and all zoning policies. Given this and for the reasons set forth above, the Petitioner's request shall be denied.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

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permitted purpose or render conformance unnecessarily

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. To paraphrase the comments submitted by the Office of Planning, it appears that the Petitioner is requesting the instant variance in lieu of compliance with Section 413.6.b of the B.C.Z.R. which permits two freestanding business signs, one at each vehicular entrance to a site, but with a maximum height of 6 feet and a maximum surface area of .25 sq.ft. per face. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this  $18^{-70}$  day of November, 1992 that the Petition for Zoning Variance requesting relief from Section 413.6.D of the Baltimore

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County Zoning Regulations (B.C.Z.R.) to permit two (2) freestanding signs of 148 sq.ft. per face, with a height of 21 feet each in lieu of the permitted sign of 50 sq.ft. per face, with a maximum height of 12 feet, in accordance with Petitioner's Exhibits 1 and 3, be and is hereby DENIED.

> lotro w Deputy Zoning Commissioner for Baltimore County

CEIVED FOR FILING

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

November 18, 1992

Cynthia A. Berman, Esquire Tabor and Betten, P.A. 1 N. Charles Street, Suite 1115 Baltimore, Maryland 21201

RE: PETITION FOR ZONING VARIANCE SW/S Fitch Avenue, 54' NW of the c/l of Rossville Boulevard (7850 Rossville Boulevard) 14th Election District - 6th Councilmanic District Abrams Development Group - Petitioners

Case No. 93-90-A Dear Ms. Berman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

> Very truly yours, TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

TMK:bjs

Petition for Variance to the Zoning Commission for the property located at Rossville Boulevard and Fitch Avenue which is presently zoned ML-IM in part This Petition shall be filed with the Office of Zoning Administration & Development Management, and MLR-IM in part The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) To allow 2 freestanding signs ( 1 at each vehicular entrance to an industrial or office park) with a height of 21 foot and each containing 148 square foot per face in lieu of the permitted 12 ft height and 50 square foot per face. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) SEE ATTACHED Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly decise and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. BRAMS DEVELOPMENT GROUP ABRHMS Cynthia A. Berman/Alan Betten Tabor and Betten, P.A. Suite 1115 Abrams Development Group l N. Charles St. (410) 547-1500 c/o James Abrams 8827 Columbia 100 Parkway Baltimore, Maryland

Rossville Center is located at an angle to Rossville Road and Fitch Road such that motorists traveling on those roads have difficulty seeing the tenants' signage on their places of business in the Center. This provides a practical difficulty to the tenants, their customers and prospective customers. If people can not see the business signage in the Center, then they cannot find the businesses they are seeking. They are frustrated and irritated when they do locate the business. The lack of visibility also severely limits the number of "walk-in" customers that the businesses in the Center will obtain. The absence of clear signage at the entrance to the Center damages the tenants' businesses by annoying and perhaps driving away their current clientele and by

This practical difficulty can be alleviated by the construction of the proposed pylon signs at the entrances to the Center. The Petitioner submits that compliance with the zoning requirements would unreasonably prevent its use of the property for a permitted purpose and that the requested relief will not result in any substantial to the public health, safety and general welfare.

preventing prospective new clients from becoming aware of them.

CAB3:rosszone 090892

DEVELOPMENT ENGINEERS, INC.

200 East Joppa Road Room 101, Shell Building Towson, Maryland 21204 (301) 828-9060 Columbia Office (301) 730-9060

REVISED 9/14/92

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ZONING DESCRIPTION

Beginning at a point on the southwest side of Fitch Avenue which is 60' right-of-way wide at the distance of 54' northwesterly of the centerline of the nearest improved intersecting street Rossville Boulevard which is 75' right-of-way wide. Thence the following courses and distances: Radius to the right 20.00 feet arc length. 25.29' chord bearing. S 35° 59' 42.5" E 23.64 feet; S 00° 13' 50" W 120.53 feet; radius to the left. 1469.89 feet arc length. 300.00 feet chord S 05° 38' 01" E 300.37 feet N 72° 21-20 W 321.34 feet; N 20° 20' 40" E 405.73 feet; S 72° 13' 15" E 128.40 feet to the place of beginning as recorded in deed liber 8447 folio 617.



Malcolm E. Hudkins

Team, narpasa		
District III = h  Posted for: Variance	Date of Posting 19/30/92	
Patitioner Abrams Derelopm	0-17 Grup	
Location of property: Swis Fifth A.	r. , DA' NW/ Rucuille Blud	
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Location of Signer Formy 1 to forse for	ion on property of Patitioner.	
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Remarks:		
Posted by Malealus	Date of return: 10/2/9/	

## **CERTIFICATE OF PUBLICATION**

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive weeks, the first publication appearing on  $\frac{0}{2}$ 

(410) 887-3353

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Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue

Towson, MD 21204

Variance to allow 2 free-standing signs. (1 at each vehicular entirance to an industrial or office part) with a height of 21 feet and each containing 148 square feet per face in lieu of the permitted 12 feut height and 50 square feet per face.

SEP. 23 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-90-A (Item 98) SW/S Fitch avenue, 54' NW of c/l Rossville Boulevard 7850 Rossville Boulevard - Rossville Centre 14th Election District - 6th Councilmanic

Petitioner(s): Abrams Development Group HEARING: THURSDAY, OCTOBER 22, 1992 at 2:00 p.m. in Rm. 106, Office Building.

Variance to allow 2 free-standing signs (1 at each vehicular entrance to an industrial or office park) with a height of 21 feet and each containing 148 square feet per face in lieu of the permitted 12 feet height and 50 square feet per face.

Baltimore County

cc: Abrams Development Group Tabor and Betten, P.A.

MOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Zoning Administration & Development Managemer
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001 6150

TOTAL: \$250.00

9/16/92 H9300098 PUBLIC HEARING FEES 020 -ZONING VARIANCE (OTHER) \$250.QQ

LAST NAME OF OWNER: ABRAMS DEVELOPME

Please Make Checks Payable To: Baltimore County

AND THE RESIDENCE OF THE PARTY ATIMORE COUNTY, MARYLAND FICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT AMONT \$ 250.00 Abrams Devel, Group 1850 Russville Blad to the March 1997 Section 1 VALIDATION OR SIGNATURE OF CASHIER

tqieen Zoning Administration & Development Management Lest Chesapeake Avenue son, Marylana 21204 Account: R-001-6150

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> 04A04#D1D7MICHRC Please Make Checks Payable To: Baltimore County 2:04PM10-15-92

Tabor and Betten, P.A.

111 West Chesapeake Avenue

DATE: 10.6.92

Abrams Development Group

8827 Columbia 100 Parkway #5 Columbia, Maryland 21045

CASE NUMBER: 93-90-A (Item 98)

Dear Petitioner(s):

property and hearing date.

SW/S Fitch Avenue, 54' NW of c/l Rossville Boulevard

your Order, immediate attention to this matter is suggested.

HEARING: THURSDAY, OCTOBER 22, 1992 at 2:00 p.m. in Rm. 106, Office Building.

Please be advised that \$ 66.07 is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID AND THE ZOWING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGH & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W.

Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same

payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or

7850 Rossville Boulevard - Rossville Centre

14th Election District - 6th Councilmenic

Petitioner(s): Abrams Development Group

Towson, MD 21204

Baltimore County Government
Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

October 8, 1992

(410) 887-3353

Cynthia A. Berman, Esquire

1 N. Charles Street STE 1115 Baltimore, MD 21201 RE: Item No. 98, Case No. 93-90-A Petitioner: Abrams Development Group, et al

Petition for Variance

Dear Ms. Berman & Mr. Betten:

Alan Betten, Esquire

Tabor & Betten, P. A.

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 11th day of September, 1992

Petitioner: Abrams Development Group, et al Petitioner's Attorney: Cynthia A. Berman & Alan Betten



BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Baltimore County Government Office of Zoning Administration

and Development Management Office of Planning & Zoning

Kursed

201992

43 46 A

(410) 887-3353

**DATE:** October 20, 1992

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Rossville Center

INFORMATION:

Item Number:

Petitioner:

Abrams Development Group 2.46 acres Property Size: ML-IM, MLR-IM

Requested Action: Variance Hearing Date:

SUMMARY OF RECOMMENDATIONS: This petitioner is requesting a variance to allow two free-standing signs, with a

height of 21 feet and each containing 148 square feet per face in lieu of the permitted 12 feet in height and 50 square feet per face. The Office of Planning and Zoning recommends DENIAL of the petitioner's request

This site is a multi-tenant commercial building rather than an industrial or

office park as stated by the petitioner. Therefore, the petitioner should be requesting a variance to Section 413.6.b. of the BCZR which permits 2 freestanding business signs (one for each street which has vehicular access) with a maximum height of 6 feet and a maximum surface area of .25 square feet per face.

It appears the petitioner is requesting a variance simply to allow the individual tenants of his building to be identified on freestanding business signs located at the vehicular entrances to the site. This is not consistent with spirit and intent of the BCZR. In MLR and ML zones it is intended that freestanding business signs be relatively small and serve to identify a building or perhaps the user of a single-occupant building. Business signs and directory signs for tenants of a multi-tenant building are provided for under sections 413.6.a, 413.6.c and 413.6.e of the BCZR.

Prepared by:	Juana Malle
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Division Chief: FM/PK/EMcD/prh

98.ZAC/ZAC1

Development Rev	Engineering Division iew Committee Respons	e Form	09/22/92
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O. James Lighthizer Maryland Department of Transportation Hal Kassoff State Highway Administration Administrator Ms. Julie Winiarski Re: Baltimore County
Iten: No.: + 98 (JJS) Development Management County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Dear Ms. Winiarski: This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration Please contact David Ramsey at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

SEPTEMBER 30, 1992

(410) 887-4500

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: ABRAMS DEVELOPMENT GROUP

#7850 ROSSVILLE BOULEVARD - ROSSVILLE CENTRE Location: Item No.: +98 (JJS)

Zoning Agenda: SEPTEMBER 21, 1992 Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property. 7. The Fire Prevention Bureau has no comments at this time.

Noted and Planning Group Fire Prevention Bureau Special Inspection Division

JP/KEK

Department of Recreation and Parks Development Review Committee Response	Verland V
Authorized signature  Project Name File Number Waiver Number	Zoning Issue Meeting Date
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William G. Zimmermann for Estate  DED DEPRM RP STP TE	of A.V. Williams  86
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Gerard E. and Susan L. Quinn  DED DEPRM RP STP TE	Comed
Michael S. and Margaret L. Craft  DED DEPRM RP STP TE	B9
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COUNT 9 FINAL TOTALS COUNT 9	RECIIVED
* * * END OF REPORT * * *	OCT 5 1992

ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: September 25, 1992

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 21, 1992 ITEM NUMBER: 98

- 1) 400 ft. sight lines need to be shown at the site access to Rossville Boulevard and to Fitch Avenue.
- 2) Sight lines are to be drawn from the centerline of the proposed access at a point 10 ft. behind the extension of the main road curb line to the center line of the nearest approach lane on the main road.
- 3) All subsequent plans must note that the areas between the sight line and the curb line must be cleared, graded, and kept free of any

RJF/lvd

Department of Environmental Brotection & Resource Management 09/22/92

Development Review Committee Resource Form

Authorized signature L-19 Mu Sfully

Date 9-28-92 Project Name ·File Number Waiver Number Zoning Issue Meeting Date Michael S. and Margaret L. Craft DED DEPRM RP STP TE NO COMMENTS DED DEPRM RP STP TE Eric H. and Margaret W. Naviasky PED DEPRM RP STP TE NO COMPLENTS DED DEPRM RP STP TE Abrams Development Group NO COMMENTS DED DEPRM RP STP TE Richard H. O'Connell NO COMMENTS' DED DEPRM RP STP TE Terry A. and Joan K. Greenwood DEPRM STP (omitted in error) John Dietsch Written Comments Edward L. and Francine M. Wickman Charles W. Berg And Willie D. Graves DEPRM /hyroces COUNT 4 FINAL TOTALS COUNT 29 \*\*\* END OF REPORT \*\*\*































